

SEAN P. REIS (No. 184044)
sreis@edelson.com
EDELSON MCGUIRE LLP
30021 Tomas Street, Suite 300
Rancho Santa Margarita, California 92688
Telephone: 949.459.2124

RYAN D. ANDREWS (Admitted *Pro Hac Vice*)
randrews@edelson.com
EDELSON MCGUIRE LLC
350 North LaSalle, Suite 1300
Chicago, Illinois, 60654
Telephone: 312.589.6374
Facsimile: 312.589.6378

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JUVENAL ROBLES and ABEL FIGUEROA,
individually and on behalf of a class of
similarly situated individuals.

Case No. 10-cv-04846 MMC

Plaintiffs,

V.

LUCKY BRAND DUNGAREES, INC., a Delaware corporation, KIRSHENBAUM BOND SENECA & PARTNERS LLC f/k/a KIRSHENBAUM BOND & PARTNERS LLC, a Delaware limited liability company, d/b/a Lime Public Relations + Promotion, and KIRSHENBAUM BOND & PARTNERS WEST LLC, a Delaware limited liability company,

**JOINT REPORT ON STATUS OF
SETTLEMENT; STIPULATION
AND [PROPOSED] ORDER
CONTINUING STAY OF
LITIGATION PENDING CLASS
ACTION SETTLEMENT**

The Honorable Maxine M. Chesney

Defendants.

KIRSHENBAUM BOND SENECA & PARTNERS LLC f/k/a KIRSHENBAUM BOND & PARTNERS LLC, a Delaware limited liability company, d/b/a Lime Public Relations + Promotion, and KIRSHENBAUM BOND & PARTNERS WEST LLC, a Delaware limited liability company,

Third-Party Plaintiffs.

V.

MERKLE INC., a Maryland Corporation,

Third-Party Defendant and Fourth-Party Plaintiff.

V.

RGAR HOLDINGS, LLC, a Florida limited liability company, formerly known as TAKE 5 SOLUTIONS, LLC., a Florida limited liability company.

Fourth-Party Defendants.

1 Plaintiffs Juvenal Robles and Abel Figueroa (together, "Plaintiffs"), Defendant Lucky Brand
 2 Dungarees, Inc. ("Lucky"), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
 3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
 4 Bond & Partners West LLC (together, "Lime"), Third-Party Defendant Merkle Inc. ("Merkle"), and
 5 Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC ("Take 5")
 6 (collectively, the "Parties"), by and through their counsel, submit the following Joint Report on the
 7 Status of Settlement, and Stipulation to Continue the Stay of Proceedings for an additional fourteen
 8 (14) days:

9 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had
 10 reached an agreement as to the material terms of a class action settlement and requested that the
 11 Court stay all pending motion and discovery deadlines. (Dkt. 85.)

12 2. On May 30, 2012, the Court granted the Stipulation and further instructed the Parties
 13 to file a Joint Status Report on the status of the settlement or a motion for preliminary approval on
 14 or before July 13, 2012. (Dkt. 86.)

15 3. On July 13 2012, the Parties applied for an extension of the stay to allow additional
 16 time to complete the necessary settlement documents. (Dkt. 87.) The Court granted a thirty-five
 17 (35) day extension of the stay on July 18, 2012 and instructed the Parties to file a Joint Status
 18 Report on or before August 22, 2012. (Dkt. 88.)

19 4. On August 22, 2012, the Parties filed their third request to continue the stay,
 20 reporting that Counsel for each of the Defendants, as well as insurers, and representatives of the
 21 Defendants have reviewed and edited several drafts of the settlement agreement and that the Parties
 22 had selected the class action administrator who was in the process of revising the notice plan for
 23 final approval from all Parties and insurers.

24 5. On August 29, 2012, a version of the settlement agreement, accompanying exhibits,
 25 and notice plan was agreed to by counsel and circulated to the Plaintiffs and Defendants for
 26 signature. On August 30, 2012, Lucky identified additional revisions to the settlement agreement,
 27 notices, and notice plan, which were circulated to counsel for the other Parties on September 6,
 28 2012. The Parties are now working diligently to finalize the papers setting forth the settlement of

1 this class action and they remain close to complete. The Parties, however, again require an
2 additional two weeks to complete the settlement papers. The Parties now anticipate moving for
3 Preliminary Approval on or before September 21, 2012. Based on that filing date, the Parties are
4 looking at a hearing for preliminary approval, to the extent the Court requires one, on either October
5 26, 2012 or November 2, 2012 at 9:00 AM.

6. The Parties therefore stipulate to extending the stay on all pending motion and
7 discovery deadlines in this case to and including September 21, 2012, to allow them time to finish
8 memorializing the settlement terms and finalizing the notice plan.

9

10

11 IT IS SO JOINTLY REPORTED AND STIPULATED.

12

13

14

Dated: September 7, 2012

15

EDELSON MCGUIRE LLC

16

17

By

/s/ Ryan D. Andrews

18

RYAN D. ANDREWS

19

SEAN REIS

20

Attorneys for

21

Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA

22

23

24

25

26

27

28

Dated: August 22, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ */s/ Brian R. Blackman*

CRAIG CARDON

BRIAN R. BLACKMAN

Attorneys for

Defendant LUCKY BRAND DUNGAREES, INC.

Dated: September 7, 2012

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

By _____ */s/ Sara J. Savage*

DAVID SHEIFFER

SARA J. SAVAGE

Attorneys for

Defendants KIRSHENBAUM BOND SENECA &
PARTNERS LLC and KIRSHENBAUM BOND &
PARTNERS WEST LLC

Dated: September 7, 2012

LATHAM & WATKINS LLP

By _____ */s/ Peter Winik*

PETER WINIK

MATTHEW RAWLINSON

SARAH GRAGERT

Attorneys for

Third-Party Defendant MERKLE, INC.

Dated: September 7, 2012

MCDERMOTT WILL & EMERY LLP

By _____ */s/ Peter J. Drobac*

DANIEL E. ALBERTI

PETER J. DROBAC

Attorneys for

Fourth-Party Defendant RGAR HOLDINGS, LLC

CERTIFICATION

I, Ryan D. Andrews, am the ECF User whose identification and password are being used to file this Joint Case Management Statement and Request to Continue. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Brian R. Blackman, Sara J. Savage, Peter Winik, and Peter J. Drobac have concurred in this filing.

Dated: September 7, 2012

EDELSON MCGUIRE LLC

By _____ /s/ *Ryan D. Andrews*
RYAN D. ANDREWS
SEAN REIS
Attorneys for
Plaintiffs JUVENAL ROBLES and AB

ORDER

Having considered the Parties' Joint Report on the Status of Settlement and Stipulation and good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and all discovery obligations, shall be stayed to and including September 21, 2012.

The parties are directed to file, no later than September 21, 2012, a Joint Status Report, said deadline to stand vacated without further order of the Court in the event plaintiffs have filed, on or before September 21, 2012, a motion for preliminary approval of the settlement.

IT IS SO ORDERED.

9 | Dated: September 10, 2012


The Honorable Maxine M. Chesney
United States District Judge